

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RICKY D. LING,	)	
	)	No. CV-08-0354-JPH
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION FOR REMAND
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings. (Ct. Rec. 19). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 9).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a *de novo* hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will: (1) re-evaluate the opinions of Karen Schaaf, M.D., and Clark D. Ashworth, Ph.D., and consider evidence of obesity. The ALJ shall re-assess plaintiff's residual functional capacity, and determine whether plaintiff's non-severe impairments have any impact on his ability to perform work.

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1 Finally, the ALJ shall obtain vocational expert testimony to  
2 determine whether plaintiff's non-exertional limitations erode the  
3 occupational base.

4 This remand is pursuant to sentence four of 42 U.S.C. §  
5 405(g) with a remand of the cause to the Commissioner for further  
6 proceedings. *See, Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

7 Accordingly, this court **reverses** the Commissioner's decision.

8 **IT IS FURTHER ORDERED:**

9 1. The parties' stipulated motion for an order of remand  
10 (**Ct. Rec. 19**) is **GRANTED**.

11 2. Judgment shall be entered for the **PLAINTIFF**.

12 3. An application for attorney fees and costs may be  
13 filed by separate motion.

14 4. The District Court Executive is directed to enter  
15 this Order, forward copies to counsel, and **close** this file.

16 **IT IS SO ORDERED.**

17 **DATED** this 20<sup>th</sup> day of July, 2009.

18  
19 s/James P. Hutton  
JAMES P. HUTTON  
20 UNITED STATES MAGISTRATE JUDGE  
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